

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

ROMELL TRESVAN,) No. CV 08-5077-PSG (PLA)
Petitioner,)
v.)
MATTHEW MARTELL, Warden,)
Respondent.)

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire file de novo, including the magistrate judge's report and recommendation. The Court agrees with the recommendations of the magistrate judge.

ACCORDINGLY, IT IS ORDERED:

1. The report and recommendation is adopted.
2. Respondent's Motion to Dismiss is **granted**.
3. Judgment shall be entered consistent with this order.
4. The clerk shall serve this order and the judgment on all counsel or parties of record.

DATED: October 6, 2009

Philip S. Gutierrez
HONORABLE PHILIP S. GUTIERREZ
UNITED STATES DISTRICT JUDGE